IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2026 of 1996

RUKMANI BAI
V/S
STATE & ORS

Mr. SL JAIN, for the appellant / petitioner

Mr. NK RASTOGI, for the respondent

Date of Order : 5.11.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

This petition seeks to challenge the orders of the two learned Courts below being the Debt Recovery Court and the order passed by the Revisional Authority. The two authorities below have decided the basic question, as to whether the petitioner is agriculturist or not, and the two learned Courts below after appreciating the evidence have come to the concurrent conclusion that the petitioner has failed to establish to be agriculturist.

Assailing the order, it was contended that may be that the petitioner is having only one and a half bighas of land, but then even the respondents' witnesses have admitted that she is working as agricultural labour, and therefore, she is agriculturist. In my view, this aspect has also been considered by both the learned Courts below and it is not a case of misreading and non-reading of the

evidence. Thereafter, after considering and appreciating that evidence, if conclusions of fact have been arrived at by the two learned Courts below, it is not open to this Court in writ petition to re-appreciate the evidence over again, and arrive at a different conclusion.

Thus, the writ petition has no force, and is dismissed.

(N P GUPTA),J.

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